

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TRACY PEASANT  
o/b/o D.R., JR., *A Minor*,

Plaintiff,

v.

Case No.: 12-cv-13288

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Honorable Sean F. Cox  
United States District Court Judge

Mark A. Randon  
United States Magistrate Judge

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**OPINION AND ORDER**  
**ACCEPTING AND ADOPTING REPORT & RECOMMENDATION**

On or around July 26, 2012, Tracy Peasant (“Plaintiff”) filed a Complaint, on behalf of her minor son, D.R., Jr., appealing from the denial of her son’s application for social security disability benefits. (Docket Entry No. 1.) The parties have filed cross-motions for summary judgment. (Docket Entry Nos. 10, 13.) This Court referred this matter to Magistrate Judge Mark A. Randon for a report and recommendation. (Docket Entry No. 3.)

On June 28, 2013, Magistrate Judge Randon filed his Report and Recommendation (“the R&R”), recommending that the Court (1) **DENY** the Defendant’s Motion for Summary Judgment, (2) **GRANT** Plaintiff’s Motion for Summary Judgment to the extent that the ALJ made no findings with respect to Listing 112.11 for the unadjudicated time period, and (3) **REMAND** this action, pursuant to sentence four of 42 U.S.C. § 405(g), for a thorough analysis of the aforementioned issue. (Docket Entry No. 14, at 1, 28.)

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R.

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed any objections to the R&R.

The Court finds that the issues have been adequately presented in the parties' briefs and that oral argument would not significantly aid the decision making process. *See* Local Rule 7.1(f)(2), U.S. District Court, Eastern District of Michigan. The Court therefore orders that the motion will be decided on the briefs.

The Court hereby **ADOPTS** the June 28, 2013, R&R. For the reasons mentioned in the R&R, **IT IS ORDERED** that Defendant's Motion for Summary Judgment is **DENIED**;

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment is **GRANTED** to the extent that the ALJ made no findings with respect to Listing 112.11 for the unadjudicated time period. Accordingly, this case is **REMANDED** for a thorough analysis of the aforementioned issue.

**IT IS SO ORDERED.**

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: July 22, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 22, 2013, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager